

DELEGATED REPORT / CASE OFFICER'S ASSESSMENT

Ref No: ST/0587/22/HFUL
Proposal: Demolition of rear extension and rebuild larger rear extension to form new kitchen and family room with internal alterations and garage repositioning.
Location: 1 Burdon Road
Cleadon
SR6 7RU

Site Visit Made: 30/08/22

Relevant policies/SPDs

- 1 DM1 - Management of Development (A & B)
- 2 SPD9 - Householder Developments

Description of the site and of the proposals

This application for planning permission relates to 1 Burdon Road, a semi-detached dwelling situated within an established residential area in Cleadon. The dwelling is a hipped roof property with the majority of residential accommodation situated on the ground floor, with a bedroom, bathroom, and store at first floor level within the roof space.

The property fronts onto Burdon Road (to the east). The side boundary of the property to the south adjoins the rear boundaries of 5, 6, 7 & 8 Sun View Terrace.

No. 3 Burdon Road is the adjoining semi-detached property to the north. Both 1 and 3 Burdon Road have lean-to rear kitchen extensions, situated either side of the boundary. These extensions adjoin the main rear roof slope of the dwellings, at 4.1 metres in height (2.55m eaves), projecting 5.4 metres from the main rear wall of the property. No.3 Burdon Road also has a single storey conservatory to the rear, situated beyond that extension, away from the common boundary with 1 Burdon Road.

The application proposals would remove the existing extension, replacing it with a new rear extension of the same depth, again built up against the neighbouring extension at the joint boundary with 3 Burdon Road. The proposal would have an increased width of 6.5 metres (an increase on the existing 2.7 metre width), and a pitched roof with the ridge set 0.45 metres below the main ridge height of the property at 5.6 metres (eaves 2.6 metres). This would contain large, glazed openings above bi-fold doors in the rear elevation, and rooflights within each side of the roof slope.

To the (south) side of this extension would also be a smaller extension, with a gable roof form, 1.8 metres wide, with a maximum height of 3.5 metres.

This will also enable a modest increase in the habitable floorspace of the existing bedroom at first floor level but would not provide any additional outlook at first floor level.

The proposals would also see the existing garage replaced by a new garage of the same size and design (reusing existing doors and openings), positioned in a similar location, but approximately 2 metres further to the rear to make way for the proposed extension.

Publicity / Consultations (Expiry date 15/09/2022)

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1) Neighbour responses

One response was received from the occupiers of 3 Burdon Road (objects, comments below).

- *The extension is of an incongruous design that will be harmful to the character and appearance of the property and surrounding area.*
- *The proposal (larger extension and repositioned garage) will be harmful to the amenity of neighbouring properties through loss of daylight, outlook, overbearing impact and loss of privacy.*
- *A two story extension on a bungalow is grossly out of character with its' neighbour.*
- *The Velux windows on the North elevation of the proposed extension, will look directly onto our shower room and main bedroom from only 2 or 3 metres away, thus will result in our complete loss of privacy. We will have to have our blinds drawn in order to maintain decency, thus a loss of light.*
- *The two floor design will directly overlook our garden and with the removal of the apple tree, result in a further loss of our privacy.*
- *The proposed roof will be overbearing and affect our aspect resulting in our view being slates within 2 metres of our windows.*

(Case officer comment: The above planning considerations are considered within the 'Assessment' section of the report)

- *We are seriously concerned in regards to how the proposed construction will affect our party wall, kitchen roof and foundations.*
- *The proposal requires the party wall to be raised above our guttering level this will result in a wall on our roof.*
- *The kitchen extensions as built share a common roof which would be adversely affected by the proposed extension.*
- *Will the council advise the proposer that it is a legal requirement to instigate the process of obtaining a Party Wall Agreement as defined in the Act of 1996?*

(Case officer comment: The above matters relate to Party Wall issues, which are civil matters, and not material planning considerations that can be given any weight in the consideration of this planning application. An informative note is suggested for inclusion to advise on party wall matters and the applicant was also advised of information available at gov.uk on party wall matters during the case officer's site visit.)

Assessment

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that an application for planning permission must be determined in accordance with the adopted development plan, unless material considerations indicate otherwise.

The main issues relevant to the assessment of this proposal are the:

- Design of the proposal and its impact on visual amenity; and
- Impact on residential amenity;

Design and Impact on Visual Amenity

Policy DM1(A) requires extensions and alterations to an existing dwellinghouse to convey sensitive consideration to its surroundings; and where possible enhance its local setting and reinforce local

identity, having particular regard to scale and proportions, alignment, form, use of materials and architectural detailing.

The Council's design guide in SPD9 sets out general design principles for house extensions. Of particular relevance in this case is paragraph 3.11, which advises that an extension should complement the shape, scale and proportions of the original dwelling to maintain the character of the original dwelling. Paragraph 3.12 states that extensions should ideally reflect the design and symmetry of the existing property.

It is acknowledged that the proposed rear extension, while not increasing the maximum rear projection compared with the existing extension, would be substantially larger than the existing rear extension, however this in itself does not cause harm. It is considered that the proposed extension has still been designed with a sufficient degree of subservience to the host property, with the ridge height of the extension set below the ridge height of the main dwelling. The design features, including the roof form, and external materials would also relate well to the host property.

The representation received in response to notification on the application, which argues that the extension is of an incongruous design that will be harmful to the character and appearance of the property and surrounding area, is acknowledged; however, in this instance, it is considered that the proposed extension would not have a significant harmful impact on the character and appearance of the property and the street scenes of Burdon Road or Boldon Lane, when viewed from the public domain.

Overall, it is considered that the proposal would have no unacceptable visual impact when viewed from Burdon Road, or Boldon Lane and would convey sensitive consideration to its surroundings having regard to its scale, proportion and use of materials. It is therefore considered that it would accord with adopted South Tyneside Local Development Framework (LDF) Development Management Policy DM1 (A) and the associated guidance set out in SPD9.

Residential Amenity

Policy DM1(B) requires a development to be acceptable in relation to any impact on residential amenity.

Sun View Terrace

The proposed rear extensions would come approximately 3.8 metres closer to the properties on Sun View Terrace to the south (5.6 metres including the smaller extension) than the existing extensions, and with an increased height. The existing rear extension is currently set approximately 14 metres to the north of the main rear elevation of the closest residential dwelling.

It is considered that the design of the pitched roof of the extension enables the residential amenities of Sun View Terrace to be adequately safeguarded following implementation of the proposed development. The closest of the properties on Sun View Terrace is no.7, which is set 10.4 metres away from the south facing wall of the proposed pitched roof extension at its closest point (excluding the smaller offshoot), and 14.5 metres away from the ridge of the proposed extension.

SPD9 advises (at paragraph 3.22) that a proposed two storey or upper floor extension should not ordinarily face the front or rear elevation of an adjacent property at a distance of less than 14 metres. In this instance, the highest part of the extension (which is lower in height than a typical two-storey extension, but higher than a typical single-storey extension at 5.6 metres at its highest point) would be at least 14.5 metres away from the properties on Sun View Terrace. The roof of this extension slopes down to a much more modest 2.6 metre eaves height at its closest point, 10.4 metres away from the rear of 7 Sun View Terrace.

It is considered that this design approach prevents the proposed extension from having significant overbearing impacts, or a significant adverse impact on the outlook from rear habitable rooms in

properties at Sun View Terrace. As the proposed extension would be situated to the north of these properties, there are also not considered to be significant harmful impacts in respect of overshadowing, or loss of sunlight.

The inclusion of the smaller offshoot, much lower in height and reduced in projection where closer to the properties on Sun View Terrace, is not considered to significantly impact on neighbouring residential amenity.

3 Burdon Road

The existing lean-to rear extension is already built higher than the eaves of the main dwelling, and forms part of a structure that is built across both sides of the common boundary with 3 Burdon Road), which projects 5.4 metres from the main rear wall of that property.

The proposed rear extension would have a gable with an increased height compared with the existing extension, and would also have an increased ridge height (with the ridge situated 2 metres away from the boundary); however, as the projection of the proposed extension would not increase any further to the rear than the existing rear extension at 1 & 3 Burdon Road, it is not considered that the proposed extension would result in a significant adverse impact to the outlook from ground floor rear habitable room openings within the extension, the rear outlook from the conservatory situated beyond it (which already has an outlook towards the side elevation of the rear outrigger at 3 Burdon Road). It is not considered that there would be significant impacts in respect of daylight, or overbearing impacts.

There are no side facing window openings within either gable wall of the proposed extension. It is therefore not considered that there would be any significant overlooking/privacy impacts arising from the proposed development.

The objection received from 3 Burdon Road argues that the rooflights proposed within the roof slope of the proposed extension would look directly into the shower room and main bedroom at this property at close proximity, which they consider would result in a complete loss of privacy, and that the height of the roof would result in overbearing impacts. This is presumed to be referring to the first-floor residential accommodation within the roof space, which is served by two rooflights, rather than the ground floor residential accommodation already considered in the preceding paragraphs.

Rooflights are primarily designed to allow light into a room, and not as a means of allowing an outlook out of them. One proposed rooflight in each side would serve the existing bedroom, which would be slightly increase in area, whereas three rooflights in each side of the roof slope would serve the ground floor open-plan kitchen.

While the rooflight in the north facing roof slope would be in relatively close proximity to the rooflights within the west facing roof slope of 3 Burdon Road, as these are rooflights, not windows, and having regard to the height of the proposed rooflight and the angle between this and those at No.3, it is not considered that significant overlooking/privacy impacts would arise from the proposed proposed rooflight.

The remaining three rooflights would serve the ground floor kitchen, and it is not considered that there is any realistic possibility of an outlook from the ground floor kitchen through rooflights towards rooflights within the rear roof slope of 3 Burdon Road that would have significant adverse overlooking impacts (NB. It is not considered that the rooflights within the south facing roof slope would cause significant overlooking of properties on Sun View Terrace either).

The objection received from the occupiers of 3 Burdon Road has stated that the *“two floor design will directly overlook our garden and with the removal of the apple tree, result in a further loss of our privacy.”*

The application plans indicate that the proposed extension would provide a ground floor kitchen extension. The proposed floor plans indicate that, while the proposed extension would enable a modest

increase in the habitable floorspace of the existing bedroom at first floor level, the proposals would not provide any additional outlook at first floor level (the floor plans show that the rear facing windows shown on the elevation plans would serve the open-plan ground floor kitchen area, and not the first-floor bedroom). There is also no indication that the tree to the rear would be affected by the proposals, as the extension would not project any further to the rear than the existing extension.

Garden Areas

It is also considered that the proposed extension would not have any significant adverse impacts on the amenity of any other neighbouring occupiers in respect of rear garden areas, which, per SPD9 paragraph 3.23 is a material consideration, but is given less weight than impacts from within the dwelling.

Garage

The proposal to re-position the existing garage approximately 2 metres, with no increase in scale or massing, is not considered to material harm the residential amenities of any neighbouring properties.

Summary

It is considered for the reasons elaborated above that the proposal would be acceptable in relation to the impact on the residential amenities of the occupiers of the neighboring properties and in accordance with Policy DM1 (B) of the Local Development Framework Development Management Policies and the associated SPD9.

Trees

There is a statutory duty (within the Town and Country Planning Act 1990, as amended) upon the Local Planning Authority to consider the protection and/or planting of trees, when considering development. This is also policy consideration of both LDF policy DM1(C) and the NPPF.

It follows from the above that a planning balance must be exercised taking into account the development being proposed, any tree loss that would result in and also any proposed tree replacement planting that is being proposed. As such a proposal cannot just be refused simply just because there is tree loss (and irrespective of whether those trees are protected or not).

The neighbour representation has referred to the proposed development leading to the loss of an apple tree. This tree is situated within the rear garden of the property and is a substantial distance away from the location of the proposed extension. The maximum rear projection of the proposed extension would not be any further to the rear than the existing rear extension that would be replaced. It is therefore considered unlikely that this tree would be materially affected by the proposed development. In any event, the tree is not protected and has limited visibility from public viewpoints, meaning that it would not realistically be considered to have sufficient amenity value to justify the making of a Tree Preservation Order to protect this tree.

The proposals are considered to accord with LDF policy DM1(C) and the NPPF.

It follows from the above that a planning balance must be exercised taking into account the development being proposed, any tree loss that would result in and also any proposed tree replacement planting that is being proposed. As such a proposal cannot just be refused simply just because there is tree loss (and irrespective of whether those trees are protected or not).

Summary

For the reasons outlined above, it is considered that the proposal would be an acceptable form of development, subject to the inclusion of the suggested conditions.

In assessing this application due regard has been had to the requirement of section 149 of the Equality Act 2010.

Recommendation

Grant Permission Householder with Conditions

Conditions

- 1 The development to which this permission relates must be commenced not later than 3 years from the date of this permission.

As required by Section 91 of the Town and Country Planning Act 1990 and to ensure that the development is carried out within a reasonable time.

- 2 The development shall be carried out in accordance with the approved plan(s) as detailed below

Proposed Elevations Drg No. 2118-11A received 14/07/22
Proposed Rear Elevation Drg No. 2118-13 received 14/07/22
Proposed Garage Elevations Drg No. 2118-14 received 08/08/22
Proposed Ground Floor Plan Drg No.2118-07A received 14/07/22
Proposed First Floor Plan Drg No. 2118 08A received 14/07/22
Proposed Site Plan Drg No. 2118 10B received 08/08/22

Any minor material changes to the approved plans will require a formal planning application under S73 of the Town and Country Planning Act 1990 to vary this condition and substitute alternative plans.

In order to provide a procedure to seek approval of proposed minor material change which is not substantially different from that which has been approved.

- 3 The external materials for the proposed extension hereby permitted shall be as those stated on the application form received 14/07/22. Unless otherwise agreed in writing by the Local Planning Authority pursuant to this condition.

To ensure a satisfactory standard of development and in the interests of visual amenity in accordance with South Tyneside LDF Development Management Policy DM1.

Informatives

- 1 In dealing with this application the Council has implemented the requirements of the National Planning Policy Framework to seek to approve applications for sustainable development where possible.
- 2 The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:
www.gov.uk/government/organisations/the-coal-authority

3 NOTE TO APPLICANT

Your attention is drawn to the Party Wall Etc. Act 1996, which provides a framework for preventing and resolving disputes in relation to party walls, boundary walls and excavations near neighbouring buildings.

A building owner proposing to start work covered by the Act must give adjoining owners notice of their intentions in the way set down in the Act. Adjoining owners can agree or disagree with what is proposed. Where they disagree, the Act provides a mechanism for resolving disputes.

The Act is separate from obtaining planning permission or building regulations approval and you can find out more about it at:
<https://www.gov.uk/party-wall-etc-act-1996-guidance>

Case officer: Chris Stanworth
Signed: Chris Stanworth
Date: 21/09/22

Authorised Signatory: Geoff Horsman
Date: 22/09/2022

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